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EXAMINER
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TERMANINI, SAMIR

ART UNIT	PAPER NUMBER
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2178

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/622,372

Applicant(s)

KIRBY ET AL.

Examiner

Samir Termanini

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>N/A</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **BACKGROUND**

1. This Final Office Action is responsive to the following communications:  
Amendment filed on 11/06/2007.

2. Claim(s) 1-31 are pending. Claim(s) 1, 15, 20, 24, and 31 are independent in form.

### **RESPONSE TO AMENDMENT**

3. Arguments concerning the Examiner's Rejections of claims 1-4, 6, 8-9 and 13-14 under 35 U.S.C. §102(e) as being anticipated by *Bao et al.* (US PG-PUB 2005/0021393) in the previous Office Action (Mail dated: 5/18/2007) have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

4. Arguments concerning the Examiner's Rejections of claims 15-25, and 27-31 under 35 U.S.C. §102(e) as being anticipated by *Avnet et al.* (US 2002/0094787 A1) in the previous Office Action (Mail dated: 5/18/2007) have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

5. Arguments concerning the Examiner's Rejections of claims 5 and 7 under 35 U.S.C. §103(1) as being unpatentable over *Bao et al.* (US PG-PUB 2005/0021393) in view of *Wall* (US 2003/0027591 A1) in the previous Office Action (Mail dated: 5/18/2007) have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

6. Arguments concerning the Examiner's Rejections of Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bao et al.* (US PG-PUB 2005/0021393) in view of *Avnet et al.* (US 2002/0094787 A1) made in the previous Office Action (Mail dated: 5/18/2007) have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

7. Arguments concerning the Examiner's Rejection of Claim 26 under 35 U.S.C. 103(a) for being unpatentable over *Bao et al.* (US PG-PUB 2005/0021393) in view of *Walsh et al.* (US 20030050058 A1) made in the previous Office Action (Mail dated: 5/18/2007) have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

### CLAIM REJECTIONS-35 U.S.C. §102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. The Rejection(s) of **Claims 1-4, 6, 8-9 and 13-14** under 35 U.S.C. 102(e) as being anticipated by *Bao et al.* (US PG-PUB 2005/0021393) are being maintained.

As to independent **claim 1**, *Bao et al.* describe(s): An apparatus for interactive media display comprising: a central controller to provide content items for display on a screen ("...server 10...", para. [0048]); a player controller ("...The display 506 can be connected to the CPU 501 to provide and/or request [transmit and/or receive] information to be displayed on the screen display 561 of the display 506....," para. [0048]) for receiving the content items from the central controller through a network ("...The billboard 20 via interface 24 can receive and download information from the remote server 10....," para. [0036]; see also ("...The server 10 can also remotely update the information on the billboard 20. In other words, a new vAd would not be needed if the retailer wanted to update the vAd, thereby saving the retailer time and money....," para. [0033]); and a screen for displaying content specified by the player controller ("...display screen 26...", para. [0026]), wherein at least one of the central controller and the player controller is responsive to a user communication device operable by a user to select the content items for display ("...The user can also download portions of a vAd or a select quantity of information displayed on the display screen 26 of the billboard 20....," para. [0028]).

As to dependent **claim 2**, which depends from claim 1, *Bao et al.* further disclose(s): the apparatus of claim 1 wherein the screen is a liquid crystal display ("...LCD 573 can be of the type MDLS16465-LV-LED04 (Varitronix), 16.times.4 with backlight, 5V, screen size 61.8.times.25.2, and the CPLD 575 can be of the type XC9572PQ100 (Xilinx), 72 MicroCells, 5V....," para. [0049]), organic light-emitting diode

display ("...LEDs... a flat panel display using organic...devices," para. [0026]), and a projection screen display ("...projection devices...", para. [0026]).

As to dependent **claim 3**, which depends from claim 1, *Bao et al.* further disclose(s): the apparatus of claim 1 wherein the user device is a portable communication device ("...mobile platform with a display screen, to display electronic/computer-based information and become interactive....," para. [0016]).

As to dependent **claim 4**, which depends from claim 3, *Bao et al.* further disclose(s): the apparatus of claim 3 wherein the user device is one of a mobile phone ("...mobile phone...", para. [0027]), a GSM phone ("...cellular technology such as GSM...", para. [0027]), a fixed line telephone ("...wired connections...", para. [0027]), a handheld computer with wireless data capability a DTMF-generating ("...personal digital assistant (PDA), ..., " para. [0027]), apparatus associated with a telephone voice input ("...cellular...", para. [0027]), and a remote control having an infrared (IR) transmitter ("...interact via wireless, infrared ..., " para. [0027]).

As to dependent **claim 6**, which depends from claim 1, *Bao et al.* further disclose(s): the apparatus of claim 1 wherein the user device generates SMS messages to directs operation of the central controller ("...short messaging services (SMS)....," para. [0027]; see also to ("...upload information to the billboard 20....," para. [0028]).

As to dependent **claim 8**, which depends from claim 1, *Bao et al.* further disclose(s): the apparatus of claim 1 wherein the central controller executes a program whose output displays at the screen ("...billboards or other devices to communicate

interactively with servers 10 and various types of client devices 30. With such, the billboards or other devices can receive information from the server 10, and users can receive information upon request via their client devices 20 or by broadcast applications....," para. [0047]).

As to dependent **claim 9**, which depends from claim 1, *Bao et al.* further disclose(s): the apparatus of claim 1 wherein the central controller displays predetermined material when a user is not selecting content items for display on the screen ("...Displayed information can be automatically updated, deleted or changed based on the settings of the real time clock 581 of the timing unit 508. For example, the timing unit 508 can determine when the information is to be displayed and in what sequence the information is to be displayed. Changes, deletions and updates to the information may include changes to the content of information to be displayed and times that the information is displayed on the display 506....," para. [0053]).

As to dependent **claims 13–14**, *Bao et al.* teach the limitations previously discussed with respect to claim 1 above, further comprising a live TV channel ("...interactive television....," para. [0027]), a pre-recorded program ("...messages....," para. [0028]), a song ("...sound....," para. [0028]), a music video ("...digital video broadcast ....," para. [0032]), and a still image ("...digital images ....," para. [0028]).

10. The Rejection(s) **Claims 15–25, and 27–31** are rejected under 35 U.S.C. 102(e) as being anticipated by *Avnet et al* (US 2002/0094787 A1) are being maintained.

As to independent **claim 15**, *Avnet et al.* teach a method for interactive media display comprising: providing a plurality of content items organized as a playlist ("predetermined schedule...day parting[,] and other similar broadcast and media scheduling schema" para. [0026]); causing sequential display of the items on a screen (e.g. "series of posters advertising the films currently being shown " para. [0014]); receiving a command from a remote source ("receives the data" para. [0008]); processing the received command ("interpret the message" para. [0008]); and displaying a new content item in response to the received command ("additional text and information that the user can view immediately" para. [0024]).

As to dependent **claim 16**, *Avnet et al.* further teach providing a content item to a user device in response to the received command ("provide the viewer with further information if the viewer requests further information" para. [0005]).

As to dependent **claim 17**, *Avnet et al.* further teach the provided content item is graphics ("photos" para. [0002]).

As to dependent **claim 18-19**, *Avnet et al.* further teach the content item displayed in response to the received command is provided to a second screen (e.g. "personal handheld electronic device such as a PDA [or] a cell phone" para. [0006]).

As to independent **claim 20**, *Avnet et al.* teach an apparatus for the generation of an interactive media display comprising ("User[s] interact with and receive information from a [d]isplay [t]o a personal hand held electronic device such as a PDA, [or] cell phone..." see Abstract): a content system for the creation of a playlist of content items ("predetermined



schedule...day parting[,] and other similar broadcast and media scheduling schema" para. [0026]); a network interface for providing the playlist to a display system ("over an electronic communications network" para. [0008]); and a display system comprising: a central controller to provide content items for display on a screen; a player controller for receiving the content items from the central controller through a network ("transceiver mounted on or embedded or near in the display" para. [0006]; i.e. "through a hardwired interface, or through a secondary wireless transceiver." para. [0009]); and a screen for displaying content specified by the player controller ("the user to interact with the display and select the additional data that the user wishes to receive." para. [0005]).

As to dependent **claim 21**, *Avnet et al.* further teach the apparatus of claim 20 wherein the playlist is transmitted to the central controller for storage ("dynamic messaging to be controlled from a centralized location and ties the individual EBB transceivers into a network." para. [0009]).

As to dependent **claim 22**, *Avnet et al.* further teach a second screen for the provision of content items selected by a user (e.g. "promotional display" para. [0015]).

As to dependent **claim 23**, *Avnet et al.* further teach the second screen is mounted on a mobile phone device ("display...to a personal handheld electronic device such as a...cell phone..." para. [0006]).

As to independent **claim 24**, *Avnet et al.* teach an apparatus for interactive media display comprising ("the viewer or user interact[s] with the item displayed" para. [0005]): a player controller in communication with a network the player controller receiving content items transmitted from a remote database server ("A network server

30 located at a central location transmits information to each of the transmission devices 12 either through network 32 which can be a hardwired interface or a secondary wireless transceiver which is a part of the transmission device 12." para. [0026]); a screen ("the display" para. [0006]) in communication with the player controller, the screen displaying the received content items ("advertisements, presentations, solicitations, purchasing suggestions, photos, video clips, audio text files, brochures, maps, coupons, and similar "contextually sensitive" content which is related to the underlying display." para. [0002]); a user device for selecting a content item from a menu of content items displayed on the screen ("personal handheld electronic device such as a PDA [or] a cell phone" para. [0006]); and a computational module that receives information from the user device and selects a content item for display on the screen in response to the received information ("the user to interact with the display and select the additional data that the user wishes to receive." para. [0005]).

As to dependent **claim 25**, *Avnet et al.* further teach a locker module for storing previously requested content items ("The EBB can record a log of the recipients of its message" para. [0012]).

As to dependent **claim 27**, *Avnet et al.* further teach the information received from the user device includes a start time ("controlled by reference to time" para. [0025]) and a reception channel for the desired content (e.g. channels: "[1] exhibits [2] communicate with one another, either in real time or in archived commentary on the

various exhibits [3] obtain maps of the museum [4] go to the museum store..." para. [00]) .

As to dependent **claim 28**, *Avnet et al.* further teach a second screen for the provision of content items selected by a user (e.g. "promotional display" para. [0015]).

As to dependent **claim 29**, *Avnet et al.* further teach the second screen is mounted on a mobile phone device.

As to dependent **claim 30**, *Avnet et al.* further teach the second screen is mounted on the user device ("display...to a personal handheld electronic device such as a...cell phone..." para. [0006]).

As to independent **claim 31**, *Avnet et al.* further teach a method for interactive media display comprising ("the viewer or user interact[s] with the item displayed" para. [0005]): indicating, on a display screen, a plurality of selectable content items ("selected from a menu" para. [0028]); receiving a transmission over a network in response to a command transmitted by a portable communication device, the transmission including a specification of at least one of the content items ("over an electronic communications network" para. [0008]); and facilitating display of the at least one content item on a display device associated with the portable communication device ("dynamic messaging to the transmission devices 12 which can be device specific..." para. [0026])(emphasis added).

### CLAIM REJECTIONS-35 U.S.C. § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bao et al.* (US PG-PUB 2005/0021393) in view of *Wall* (US 2003/0027591 A1).

As to dependent **claims 5 and 7**, both depending from claim 1, *Bao et al.* taught the apparatus of claim 1 address in detail above. *Bao et al.* does not say that the client device uses DTMF or MMS to direct operation of the central controller. *Wall* teaches using DTMF tones ("DTMF tones to server 30" para. [0061]), SMS messages ("SMS may be used to send this information." para. [0061]), or MMS ("Multimedia Messaging Service MMS" para. [0023]) for remote controlling. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used DTMF tones, SMS messages, or MMS for remote controlling as taught by *Wall* with the *Bao et al.* because *Wall*: (1) is in the same field of endeavor ("methods and systems that allow an operator to distribute messages having aural or visual content that is generated by the operator using handheld apparatuses such as mobile telephones." para. [0001]); (2) is directed to a solution of the same problem ("a server system that receives one or more

signals from a handheld apparatus generated under control of an operator of the handheld apparatus" para. [0008]); and (3) expressly suggests the desirability and motivation for using DTMF/SMS/MMS remote controlling ("The notification method is suitable for delivery to essentially any type of apparatus including conventional telephones, but it is especially suitable for delivery to cellular telephones by way of SMS, for example..." para. [0047]). The motivation is reciprocated in *Bao et al.* – suggesting similar type of technology should be used "...The client interface 33 of the client device 30 allows the user or customer to interact via wireless, infrared and/or wired connections, or the like with the billboard 20. Wireless connections can include, for example, short messaging services (SMS) or a data service on an appropriate cellular technology such as GSM, Bluetooth (short range RF technology), infrared, IrDA or the like....," para. [0027]).

13. **Claims 10–12** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bao et al.* (US PG–PUB 2005/0021393) in view of *Avnet et al.* (US 2002/0094787 A1).

As to dependent **claims 10–12**, *Bao et al.* further teach the limitations previously discussed with respect to claim 1 above. *Bao et al.* do not clearly show a second screen for the receipt of content items selected by a user via the user device/mobile phone. *Avnet et al.* is cited for teaching a second screen for the receipt of content items selected by a user via the user device (".... He has the option to purchase his tickets electronically with his PDA, and if he so chooses, is provided with an e-

coupon for a discount at the concession stand. Alternatively, the EBB may deliver text describing the movie, favorable reviews, even short video or audio clips directly to the PDA, which may be viewed directly on the PDA with no need to access the Internet....," para. [0014]; e.g. "...that displays a map ...," para. [0011]) mounted on a mobile phone device ("display...to a personal handheld electronic device such as a...cell phone..." para. [0006]). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used a display in the user device as taught by *Avnet et al.* with the user device in *Bao et al.* because *Avnet et al.* suggests a second display to solve the same problem faced by *Bao et al.*'s dealing with information exchange ("...It is desirable to provide a ready and efficient method and apparatus to facilitate the exchange of information between viewers and those sponsoring the displays, be they promoters, advertisers, public interest entities, museums and the like....," para. [0005]).

14. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Bao et al.* (US PG-PUB 2005/0021393) in view of *Walsh et al.* (US 20030050058 A1).

As to dependent **claim 26**, *Bao et al* teach the apparatus of claim 24, addressed above. *Bao et al* do not expressly disclose the information received from the user device is provided in XML format. However, *Walsh et al.* teach it is know in the art for information received from user devices for dynamic content delivery systems are provided in XML format ("Some content description schemes suitable for the DCDS application include...XML or the like, as are known in the art." para. [0104]). It would have been obvious to one of ordinary skill in the art, at the time the invention was

made, to have used the XML as taught by *Walsh et al.* with the user device taught by *Bao et al* because, in the same field of endeavor, *Walsh et al.* is directed to the same particular problem of "...establishing a dynamic content delivery system [in a] mobile communications unit [t]o communicate with a server in order to make a request for the delivery of specific content, such as a song, video, or the like, to a separate output device, such [as] a display screen, or the like." (Abstract) and expressly suggests XML's use is desirable and advantageous because of its ease of readability ("Ideally the descriptions should be machine understandable, not only machine-readable." para. [0104]) Additionally, a person of ordinary skill in art would have had good reason to pursue the known XML solution enumerated in *Walsh et al.* because it is a predictable solution.<sup>1</sup>

## RESPONSE TO ARGUMENTS

15. Applicant arguments, see pp. 7-8 filed 11/06/2007, with respect to the 35 U.S.C. §102(e) Rejection claims of s 1-4, 6, 8, 9, and 13-14 cited by the Examiner in the previous Office Action (Mail dated: 5/18/2007), have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained..

### I. Applicant's arguments (see Remarks filed, 11/06/2007) emphasize:

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<sup>1</sup> As clarified in *KSR*, it's now apparent "obvious to try" may be an appropriate test in more situations than we previously contemplated. When there is motivation: "...to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

While Bao et al. describe that a user can upload information to, or download information from, the billboard [0028], Bao et al. describe such information as vAds, promotional items, vCoupons, vVouchers, vTickets, vReceipts and the like [0030]. In the case of vAds, Bao et al. only describe the user downloading a vAd or a portion of a vAd [0028]. None of the information that the user can upload or download allows the user to "select the content items for display", as recited in Applicants' claim 1. Since Bao et al. does not describe or teach each of the limitations in Applicants' claim 1, Applicants submit that Bao et al. does not anticipate claim 1.

The Examiner respectfully disagrees for at least the following reason(s): *Bao et al.* teaches very clearly a user to "select the content items for display,"

[0028] The user, via the client interface 33, can receive information from the billboard 20., upload information to the billboard 20, and download information to the client device 30 from the billboard 20. The user can also perform electronic commerce transactions using the information or advertisements (vAds) displayed on the display screen 26 of the billboard 20. The displayed information may include static or digital images and messages, sound, animation or the like. The user can save the downloaded information in the memory 35 of the client device 30 to be used at a later time. The user can also download portions of a vAd or a select quantity of information displayed on the display screen 26 of the billboard 20.

[0036] The billboard 20 via interface 24 can receive and download information from the remote server 10. A network or a plurality of billboards 20 can be connected to a single server 10. The billboard 20 can communicate with the remote server 10 via SMS, DVB, DAB or the like. The server 10 provides information, vAds, compact certificates or the like to the billboard 20 to be displayed on the display screen 26 of the billboard 20, or delivered to client devices 30. The displayed images are of high quality. The billboard 20 via interface 24 can interact with a plurality of participating or registered users via their client devices 30. The billboard 20 via interface 24 can receive information from or send information to the client device 30. The information can be stored locally in the memory 22 to be used at a later time. The stored information can be forwarded to a client device 30 by a request made by the user's client device 30 or by broadcast applications.



II. Applicant's arguments (see Remarks filed, 11/06/2007) further aver:

The Examiner also asserts that Avnet et al. describe "causing sequential display of the items on a screen". However, the "series of posters" described by Avnet et al. are in fact a plurality of static posters each advertising one of the films being shown inside the theatre [0014]. Rather than a "sequential display of items on a screen", Avnet et al. describe static displays on a plurality of posters or screens. Thus, the Examiner's comparison of the display in Avnet et al. to Applicants' screen is improper, since the display in Avnet et al. does not display content specified by the transceiver.

The Examiner respectfully disagrees for at least the following reason(s): the features Applicant argues are not taught by *Avnet et al.* do not appear in the rejected claims. More specifically, Applicant argues the following limitation: "does not display content specified by the transceiver,". However, in addressing Applicant's argument, Claim 15 only requires, *inter alia*, displaying a "new content" not content specified by the transceiver. And further, the content is not specified by the transceiver, but rather, a remote command. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

III. Applicant's arguments (see Remarks filed, 11/06/2007) stress:

As noted in Applicants' response dated February 28, 2007, each of Applicants' independent claims 15, 20, 24 and 31 recite an "interactive media display". In independent claim 15, the method includes "causing sequential display of the items on a screen". In independent claim 20, the apparatus includes a "screen for displaying content specified by the player controller". Independent claim 24 recites an apparatus including a "screen displaying the received content items". Independent claim 31 recites a method including "indicating, on a display screen, a plurality of selectable content items". As provided above, Avnet et al. do not provide an "interactive media display" where the display on a screen is interactive. In addition, Applicants' claim 15 recites "displaying a new content item in response to the received command."

The Examiner respectfully disagrees for at least the following reasons: the features Applicant argues are not taught by *Avnet et al.* do not appear in the rejected claims. More particularly, the specific claims applicant is referring to, do not require that the screen not be the one mounted on the mobile phone. During patent examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). In other words, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005).

## CONCLUSION

16. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

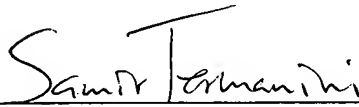
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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Samir Termanini  
Patent Examiner  
Art Unit 2178

  
STEPHEN HONG  
SUPERVISORY PATENT EXAMINER